

ITEM NO.20

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 1579/2023

(Arising out of impugned final judgment and order dated 23-12-2022 in WPA No. 7907/2019 passed by the High Court At Calcutta)

KUNTAL PAL & ORS.

Petitioner(s)

VERSUS

RAMESH MALIK & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.32035/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.32034/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 24-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. P S Patwaila, Sr.Adv.
Mrs. Meenakshi Arora, Sr.Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. Debojyoti Bhattacharya, Adv.
Mr. Vikas Kumar, Adv.
Ms. Shalini Kaul, AOR

For Respondent(s) Mr. Kunal Chatterjee, AOR
Ms. Maitrayee Banerjee, Adv.
Kshitij Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The petitioners assail an order passed by a learned Single Judge of the High Court of Calcutta on 23.12.2022 by which their appointment as assistant teachers by the West Bengal Board of Primary Education has been directed to be cancelled. Though an order of a learned Single Judge ought to have been appealed against

before a Division Bench of the same High Court under clause 15 of Latters Patent of the said High Court, we are issuing notice in this matter as the issues involved in the present petition are relatable to those involved in a pending proceeding before us, registered as SLP(C)No.17412/2022. The notice is made returnable two weeks hence.

Mr. Kunal Chatterjee, learned advocate-on-record appears on behalf of Respondent no.12 (West Bengal Board of Primary Education) and accepts notice on behalf of said respondent. Hence, formal service of notice on the said respondent shall stand dispensed with.

Service to be effected by dasti, in addition to regular service.

So far as the impugned order is concerned, by which appointment orders of the petitioners have been invalidated, the posts in question in which they were engaged shall not be filled up till the next date of hearing.

Other prayer(s) for interim order shall be considered on the next date of hearing.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR